

## JURISDICTIONAL QUESTION

Please address whether this appeal, designating the district court’s April 14, 2025 judgment declaring defendant in violation of the Endangered Species Act but not determining plaintiff’s request for injunctive relief, is taken from a final order. *See* 28 U.S.C. § 1291 (providing that the courts of appeals have jurisdiction over “appeals from all final decisions of the district courts”); *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000) (“A final decision is one which ends the litigation on the merits.” (quotation marks omitted)); *Liberty Mut. Ins. Co. v. Wetzel*, 424 U.S. 737, 744 (1976) (holding that an order granting partial summary judgment on the issue of liability that leaves the assessment of damages or awarding of relief to be determined is not final); *Bogle v. Orange Cnty. Bd. of Cnty. Comm’rs*, 162 F.3d 653, 661 (11th Cir. 1998) (holding that a notice of appeal must designate an existent judgment or order, not one that is merely expected or within the appellant’s contemplation when the notice of appeal is filed); *Robinson v. Tanner*, 798 F.2d 1378, 1385 (11th Cir. 1986) (holding that where a notice of appeal is filed from a non-final interlocutory order, a subsequent final judgment generally does not retroactively validate the premature notice of appeal); Fed. R. App. P. 4(a)(2) (“A notice of appeal filed after the court announces a decision or order—but before the entry of the judgment or order—is treated as filed on the date of and after the entry.”); *FirstTier Mortg. Co. v. Investors Mortg. Ins. Co.*, 498 U.S. 269, 276 (1991) (“Rule 4(a)(2) permits a notice of appeal from a nonfinal decision to operate as a notice of appeal from the final judgment only when a district court announces a decision that *would be* appealable if immediately followed by the entry of judgment.”); *Gen. Television Arts, Inc. v. S. Ry. Co.*, 725 F.2d 1327, 1330-31 (11th Cir. 1984) (stating that Rule 4(a)(2) “was not intended to validate anticipatory notices of appeal filed prior to the announcement” of an order or judgment).